



BIDS AND AWARDS COMMITTEE
BAC Resolution No. 061-2023, Series of 2023

RECOMMENDING THE EXTENSION OF CONTRACT FOR OFFICE RENTAL

WHEREAS, the National Privacy Commission (NPC) is the agency mandated to administer and implement Republic Act No. 10173 or the Data Privacy Act of 2012 and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, in order to sustain its daily operations and ensure uninterrupted public service, it currently has its offices at the Philippine International Convention Center (PICC);

WHEREAS, such procurement is covered by an approved Multi-Year Obligational Authority (MYOA) until 31 August 2022;

WHEREAS, on 1 September 2022, the NPC Head of the Procuring Entity (HoPE) awarded another contract to PICC covering an additional area of 502.42 sqm. located at the 4th Floor of the Delegation Building, and at the same time awarded a renewed contract (hereinafter "Contracts") covering the 5th Floor office spaces of the NPC, covering the period of 1 September to 31 December 2022;

WHEREAS, on 27 December 2022, the NPC and PICC agreed to extend the Contracts for a period of three (3) months, from 1 January 2023 to 31 March 2023;

WHEREAS, on 17 March 2023, the NPC-BAC resolved to award the contract for Office Rental (APP Item No. 2023-0017) for a period of five (5) months from April 1 to August 31, 2023 to the Philippine International Convention Center, Inc. through BAC Resolution No. 019-2023 dated 17 March 2023;

WHEREAS, in a Memorandum dated 11 August 2023, the, end-user, the Administrative Services Division (ASD) issued a Memorandum requesting for the extension of contract for office rental from September 1-30, 2023. The same memorandum was approved by the Head of the Procuring Entity;

WHEREAS, a Certification of Availability of Funds was issued certifying that funds are available to cover the cost for one (1) month extension of office rental covering the period from September 1 to 30, 2023 amounting to Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (Php2,312,609.60) chargeable against Rents - Building and Structures (GAS-MOOE), programmed in the Work and Financial Plan (WFP) of the ASD;

WHEREAS, the supplier has not violated any of the provisions of the original contract that would preclude extension of the contract as evidenced by the Certification of Acceptance of Output and Supplier Evaluation Forms issued by the end-user, herein attached as Annex "A";


WHEREAS, the supplier, through its authorized representative, [REDACTED] expressed its conformity to the requested extension;


WHEREAS, having found that the documents submitted by the end-user to be in order, the NPC Bids and Awards Committee (BAC) resolved to extend the contract for office rental with the PICC;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the members of the NPC-BAC, hereby **RESOLVE**, as it is hereby **RESOLVED**, to recommend the extension of the contract for **Office Rental** from 01 September 2023 to 30 September 2023 for a total contract price of Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (Php2,312,609.60).


RESOLVED this 15th day of August 2023, via combination of on-site and videoconference meeting.

ATTEST:

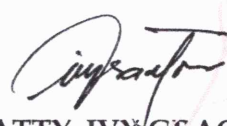

Digitally signed by
Medina Kimberly Ann
Muyula
MS. KIMBERLY ANN M. MEDINA
SAO, ASD
End-User/Provisional BAC Member


Digitally signed by
Fabricante Marlon
Ruben Natividad
MR. MARLON RUBEN N. FABRICANTE
Chief, ASD
BAC Member


MR. ERWIN D. ESPENILLA
HEA, OPC
BAC Member

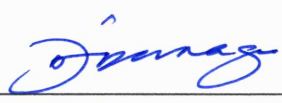

Digitally signed
by Milanes
Rainier Anthony
Mabias
ATTY. RAINIER ANTHONY M. MILANES
Chief, CMD
BAC Member

On Leave
ATTY. MA. JOSEFINA E. MENDOZA
Attorney IV, LD
BAC Member


Digitally signed
by Ivy Grace T.
Villasoto
ATTY. IVY GRACE T. VILLASOTO
Attorney V, PDD
BAC Vice Chairperson


Digitally signed by
Patula Maria
Theresita Elnar
ATTY. MARIA THERESITA E. PATULA
Director IV, LEO
BAC Chairperson

APPROVED:


ATTY. JOHN HENRY D. NAGA
Privacy Commissioner
Head of the Procuring Entity
Date: AUG 24 2023

EXTENSION OF LEASE CONTRACT FOR OFFICE RENTAL

KNOW ALL MEN BY THESE PRESENTS:

This EXTENSION OF CONTRACT is made and entered into this AUG 31 2023 in Metro Manila, Philippines, by and between:

The **NATIONAL PRIVACY COMMISSION**, a government agency mandated to administer and implement the Data Privacy Act of 2012, and to monitor and ensure compliance of the country with international standards set for data protection, with office address at 5th Floor Delegation Building, PICC Complex, Vicente Sotto Avenue, Pasay City, Metro Manila, represented herein by its Privacy Commissioner, **Atty. JOHN HENRY D. NAGA**, (hereinafter referred to as the "**NPC or LESSEE**"),

- and -

The **PHILIPPINE INTERNATIONAL CONVENTION CENTER, INC.**, a government corporation duly organized and existing pursuant to Presidential Decree No. 520 as amended, with office address at the Philippine International Convention Center, Cultural Center Complex, Roxas Boulevard, 1307 Pasay City herein represented by its [REDACTED] (hereinafter referred to as the "**LESSOR**");

The **NPC or LESSEE** and the **LESSOR** shall hereinafter be referred to collectively as the "**PARTIES**."

WITNESSETH, that:

WHEREAS, the **NPC** and the **LESSOR**, pursuant to NPC Bids and Awards Committee (BAC) Resolution No. 019-2023, series of 2023, entered a Contract of Lease on 30 March 2023 which was in force and effect until 31 August 2023. A copy of said Agreement is attached herein as "**ANNEX A**" and made an integral part of this Extension Contract;

WHEREAS, Section 4.0 of Appendix 24 (Revised Guidelines on the Extension of Contracts for General Support Services), of the 2016 Revised Implementing Rules and Regulations (IRR) of R.A. 9184 as of 03 July 2023, provides that procuring entities may extend the duration or effectivity of an ongoing contract about to expire, provided it complies with the conditions stated therein;

WHEREAS, the end-user has justified to the NPC BAC the extension of the Contract of Lease for Office Rental in accordance with Appendix 37 of the IRR of R.A. 9184 (Guidelines on Renewal of Regular and Recurring Services);

WHEREAS, on 11 August 2023 the NPC Accountant issued Certification of Availability of Funds (CAF) amounting to **Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (PHP2,312,609.60)**. A Copy of the CAF is herein attached as "**ANNEX B**" and made an integral part of this Agreement;

WHEREAS, the **LESSEE** has proposed to the **LESSOR** that the Contract of Lease be extended for one (1) month, covering the period of **1 September 2023 to 30 September 2023** under the same terms and conditions as the original lease. The **LESSOR** has agreed to such extension. A copy of the said letter-request is attached herein as "**ANNEX C**" and made an integral part of this Extension Contract;

WHEREAS, on 15 August 2023, the NPC BAC deliberated on and resolved to approve the request of the end-user for an extension of the Contract of Lease for Office Rental from

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1 September 2023 to 30 September 2023, given that it is essential, indispensable, and necessary for the operations of the National Privacy Commission;

WHEREAS, the terms and conditions of the Contract of Lease dated 30 March 2023 shall be read and construed as part of this Agreement, and all terms and conditions of the Original Contract which are not inconsistent with this Agreement shall remain unchanged and in full force and effect;

WHEREAS, the following modifications is hereby adopted which redounds to the advantage of the government at no additional cost to the NPC:

NPC may immediately terminate this Contract of Lease Agreement upon service and delivery of a notice of the termination to the Lessor on any of the following grounds: (1) failure to perform or materially breach, any of its obligations, covenants, or representations as set forth in the Contract of Lease Agreement; (2) failure to produce a result that meets the specifications of provided for in the Contract of Lease Agreement; and, (3) when the failure or breach is serious enough to materially harm or otherwise reduce the value of the Contract of Lease Agreement.

In the event of termination, payment of the contract price will be made to the Lessor only for the leased period up to the month of the date of termination.

NPC shall pay the Lessor a rate of **Two Million Three Hundred Twelve Thousand Six Hundred Nine Pesos and Sixty Centavos (PHP2,312,609.60), VAT Inclusive** for the Office Rental.

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES hereby agree to the extension of Contract of Lease dated 30 March 2023 for a period of one (1) month, commencing on 1 September 2023 to 30 September 2023.

IN WITNESS WHEREOF, the PARTIES hereto have signed this Extension Contract this _____ day of _____ 2023 at Pasay City.

AUG 31 2023

NATIONAL PRIVACY COMMISSION

PHILIPPINE INTERNATIONAL CONVENTION CENTER, INC.

By:

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

JOHANA CARLA T. GOMEZ
Accountant II

[Redacted Signature]

[Redacted Signature]

Signed in the Presence of:

MARLON RUBEN N. FABRICANTE
Signature over Printed Name

[Redacted Signature]

Signature over Printed Name

cdh

ACKNOWLEDGMENT

BERORE ME, a Notary Public for and in the City of Pasay, Philippines, personally appeared the following:

NAME	GOVERNMENT-ISSUED ID/ Date issued/ Expiring Date
ATTY. JOHN HENRY D. NAGA	

Known to me to be the same persons who executed the foregoing extension to the Contract to Lease Agreement. They acknowledged that the same is their true act and voluntary will and deed as well as the true will and deed of the entities they represent. The foregoing instrument consists of _____ () pages, including this page where the acknowledgment is written, and has been signed by the authorized representatives of the parties on the space above their names and on all pages at their margins, including their witnesses.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of _____ 20__ at the City of Pasay, Metro Manila, Philippines.

MAKATI CITY

ATTY. JOSE FERRER FLORES

Notary Public City of Makati
Until Dec 31, 2022
NOTARY PUBLIC
Appointment No. M-115
ROLL NO. 77376

MCLE COMPLIANCE NO. 0001393 Jan. 03, 2023 Until Apr. 14, 2028
PTT No. 0658501 Jan. 3, 2023 / Makati City
IDP No. 2642041 Jan. 03, 2023 Pasig City
1107 BATAAN ST. GUADALUPE NUEVO, MAKATI CITY

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